REMARKS

Applicants respectfully request the Examiner's reconsideration of the present application in view of the following remarks.

Rejected Claims under 35 U.S.C. § 103(a)

The Examiner has rejected claims 1, 3-9, 11-17, and 19-24 under 35 U.S.C. § 103(a) as being unpatentable over <u>Andrew et al.</u> ("Andrew"), U.S. Patent No. 5,428,403 in view of <u>Akiwumi-Assani et al.</u> ("Akiwumi-Assani"), U.S. Patent No. 5,532,744.

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). (MPEP ¶ 2143.03).

Independent claim 1 of the present application includes limitations not suggested or taught by Andrew or Akiwumi-Assani. As a result, claim1 is patentable over Andrew in view of Akiwumi-Assani.

Specifically, claim 1 of the present application includes the elements of "A method for decoding compressed video comprising: reading a stream of compressed video into memory, said video having multiple pictures, each picture having one or more *independent slices;* assigning, via a first processor of a group of processors sharing said memory, *at least one independent slice per processor to be decoded by the processors in parallel.* "

Andrew does not disclose assigning via a first processor of a group of processors sharing said memory *at least one independent slice per processor to be decoded by the processors in*

parallel, instead Andrew discloses partitioning the *blocks* of a frame into their horizontal rows, and *all the blocks* of a row are processed in left to right order by a *single DSP*. (Andrew, column 7, line 55-58.)

The examiner noted that Andrew "fails to disclose parallel processing the bit stream in independent units corresponding to slices" (Office Action of 11/18/02, P3)

In sum, Andrew discloses *encoding* digitized video images by which blocks are divided into their horizontal rows and all the blocks of a row are processed in left to right order by a *single* DSP.

The examiner has stated that it would have been obvious for one of ordinary skill in the art to incorporate Akiwumi-Assani slice parsing into the Andrew decoding method in order to efficiently process the compressed video.

However, Applicants respectfully submit that it would not have been obvious to modify to Andrew to include the slice parcing disclosed in Akiwumi-Assani because there would have been no reasonable expectation of successfully modifying Andrew or Akiwumi-Assani at the time Andrew or Akiwumi-Assani was invented. (See Manual of Patent Exmaning Procedure ¶ 2143.02; See also *In re Rinehart*, 531 F.2d 1048, 189 USPQ 143 (CCPA 1976), and *Ex parte Erlich*, 3 USPQ2d 1011 (Bd. Pat. App. & Inter. 1986). More specifically,

In particular, although Akiwumi-assani may disclose slice parcing, Akiwumi-assani does not disclose slice parcing by multiple processors in parallel.

Rather, Akiwumi-assani discloses that once the start code of a slice is located, the slice parser begins to count the number of bits and the number of slices associated with the first slice

and subsequent slices *until either the initial number of slices per decoder module is reached or until the total number of bits is less than or equal to a set amount,* up until this point the bits are routed to a first decoder module, (Akiwumi-assani column 5, line 50-60). Meanwhile, the other decoder modules are not utilized (i.e. are not decoding) until the above detailed process is completed at the slice parser. Therefore, Akiwumi-assani does not disclose that at least one independent slice per processor is decoded by the *processors* in parallel, instead Akiwumi-assani discloses a slice parser that decodes slice start codes and then directs bits to a first decoder module until a limit is reached, which is that either the maximum number of *slices (not independent slice)* per decoder module is reached or a set amount of bits per decoder module is reached, and only then does the slice parser directs the subsequent bits to a second module (Akiwumi-Assani column 5, line 50-60).

Moreover, applicants respectfully submit that to suggest modifying Andrew to include the slice parcing disclosed in Akiwumi-Assani would be an attempt to use impermissible hindsight afforded by applicants' claimed invention. (See MPEP ¶ 2141.01 and *W.L. Gore & Associeates, Inc. V. Garlock, Inc.,* 721 F.2d 1540, 220 USPQ 303, 313 (Fed. Cir. 1983), *cert. denied,* 469 U.S. 851 (1984).

As such, claim 1 of the present application is patentable over Andrew in view of Akiwumi-assani because it includes limitations not suggested or taught by Andrew or Akiwumi-assani, and there would be no reasonable expectation of successfully modifying Andrew or Akiwumi-Assani at the time Andrew or Akiwumi-Assani was invented.

Applicants' additional independent claims 9 and 17 of the present application include similar limitations as discussed above with respect to independent claim 1. As a result,

applicant's independent claims 9 and 17 would also be patentable over Andrew in view Akiwumi-assani, for the reasons set forth above.

In addition, claims 3-8, 11-16 and 19-24 depend from the independent claims discussed above, and therefore include the limitations of the referenced independent claims. As a result, claims 3-8, 11-16 and 19-24 include the distinguished limitations, as discussed above, and are therefore patentable over Andrew in view of Akiqumi-assani.
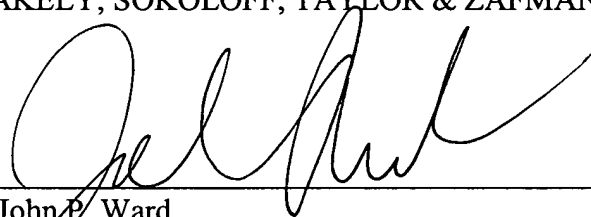
Condition for Allowance

The Applicants submit that all rejections have been overcome and the present application is now in condition for allowance. If a telephone interview would in any way expedite the prosecution of this application, the Examiner is invited to contact John Ward at (408) 720-8300, x237.

If there are any additional charges, please charge them to our Deposit Account Number 02-2666.

Respectfully submitted,

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